

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1806 be amended to read as follows:

- 1       Page 1, between the enacting clause and line 1 begin a new  
2       paragraph and insert:  
3       "SECTION 1. IC 35-38-2.5-2 IS AMENDED TO READ AS  
4       FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. As used in this  
5       chapter, "home" means:  
6       **(1) the actual living area of the temporary or permanent residence**  
7       **of an offender; or**  
8       **(2) if the offender's residence is a multi-family dwelling, the**  
9       **unit in which the offender resides, and not the:**  
10       **(A) halls or common areas outside the unit where the**  
11       **offender resides; or**  
12       **(B) other units, occupied or unoccupied, in the multi-family**  
13       **dwelling.**  
14       The term includes a hospital, health care facility, hospice, group home,  
15       maternity home, residential treatment facility, and boarding house. The  
16       term does not include a public correctional facility or the residence of  
17       another person who is not part of the social unit formed by the  
18       offender's immediate family.  
19       SECTION 2. IC 35-38-2.5-2.3 IS ADDED TO THE INDIANA  
20       CODE AS A NEW SECTION TO READ AS FOLLOWS  
21       [EFFECTIVE JULY 1, 2001]: **Sec. 2.3. As used in this chapter,**  
22       **"constant supervision" means monitoring a violent offender**  
23       **twenty-four (24) hours each day by means described in section**  
24       **12(b) of this chapter."**

1 Page 1, line 9, delete "Sec" and insert "Sec."

2 Page 1, line 13, after "IC 35-50-1-2(a)" insert ", IC 35-42-2-1,  
3 IC 35-42-2-1.3, IC 35-43-1-1, IC 35-44-3-5, IC 35-45-10-5, or  
4 IC 35-47-5-1".

5 Page 1, line 15, after "IC 35-50-1-2(a)" insert ", IC 35-42-2-1,  
6 IC 35-42-2-1.3, IC 35-43-1-1, IC 35-44-3-5, IC 35-45-10-5, or  
7 IC 35-47-5-1".

8 Page 3, after line 11, begin a new paragraph and insert:

9 "SECTION 5. IC 35-38-2.5-13 IS ADDED TO THE INDIANA  
10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2001]: **Sec. 13. An offender who:**

12 **(1) leaves the offender's home in violation of section 6(1) of**  
13 **this chapter or without documented permission from the**  
14 **supervising entity;**

15 **(2) remains outside the offender's home in violation of section**  
16 **6(1) of this chapter or without documented permission from**  
17 **the supervising entity; or**

18 **(3) travels to a location not authorized under section 6(1) of**  
19 **this chapter or not authorized in writing by the supervising**  
20 **entity;**

21 **commits unauthorized absence from home detention, a Class A**  
22 **misdemeanor.**

23 SECTION 6. IC 35-44-3-5 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) A person, except  
25 as provided in subsection (b), who intentionally flees from lawful  
26 detention commits escape, a Class C felony. However, the offense is a  
27 Class B felony if, while committing it, the person draws or uses a  
28 deadly weapon or inflicts bodily injury on another person.

29 (b) A person who knowingly or intentionally violates a home  
30 detention order ~~and~~ or intentionally removes an electronic monitoring  
31 device commits escape, a Class D felony.

32 (c) A person who knowingly or intentionally fails to return to lawful  
33 detention following temporary leave granted for a specified purpose or  
34 limited period commits failure to return to lawful detention, a Class D  
35 felony. However, the offense is a Class C felony if, while committing

- 1 it, the person draws or uses a deadly weapon or inflicts bodily injury on
- 2 another person."
- 3     Renumber all SECTIONS consecutively.  
      (Reference is to HB 1806 as printed February 22, 2001.)

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Representative Mellinger